

Serial Number: 09/495,186

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeff Sharp on 11-20-01.

The application has been amended as follows:

Claims 1-6 and 8-13 have been canceled.

The following claims have been amended:

15. A method for treating [symptoms of] a patient having pain caused by otitis media comprising the step of: administering eardrops to the ear of said patient in a manner so as not to effect gene transfer, thereby reducing said pain, wherein said eardrops comprise an effective amount of DNA in a pharmaceutically-acceptable vehicle [to a patient having otitis media such that pain symptoms associated with otitis media are reduced].

16. Insert a comma after 15 and replace "or" with --and--.

17. Insert a comma after 15.

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18. ✓ Insert a comma after 15.  
19. ✓ Insert a comma after 15.

Inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wilson who can normally be reached on Monday through Friday from 9:00 am to 5:30 pm at (703) 305-0120.

Questions of formal matters can be directed to the patent analyst, Tracey Johnson, who can normally be reached on Monday through Friday from 9:00 am to 5:30 pm at (703) 305-2982.

Questions of a general nature relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

If attempts to reach the examiner, patent analyst or Group receptionist are unsuccessful, the examiner's supervisor, Deborah Clark, can be reached on (703) 305-4051.

The official fax number for this Group is (703) 308-4242.

Michael C. Wilson

MICHAEL C. WILSON  
PATENT EXAMINER